

quinn emanuel trial lawyers | san francisco

50 California Street, 22nd Floor, San Francisco, California 94111 | TEL (415) 875-6600 FAX (415) 875-6700

WRITER'S DIRECT DIAL NO.
(415) 875-6314

WRITER'S INTERNET ADDRESS
davideiseman@quinnemanuel.com

September 20, 2013

VIA ECF

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

Re: Eastman Kodak Company v. Ricoh Company, Ltd., No. 12-cv-3109 (DLC)

Dear Judge Cote:

Earlier this week, John Quinn, lead trial counsel for Ricoh Company, Ltd. (“Ricoh”), learned that he needs to have surgery on October 7. Mr. Quinn has been advised by his physician that it will take him up to three weeks to recover from the surgery. As a result, Mr. Quinn will not be able to prepare for or participate in the October 16 final pretrial conference or the October 21-23 trial of this case.

Under the circumstances, Ricoh respectfully requests that the Court vacate the October 21-23 trial and, in light of other scheduling conflicts previously raised in my September 5 letter to the Court (Dkt. No. 130) and subject to the Court’s availability, reschedule the trial for three days during the week of December 16. Ricoh also respectfully requests that the Court extend the October 11 deadline for filing the Joint Pretrial Order (Dkt. No. 134) and the October 16 date of the final pretrial conference to dates consistent with the rescheduled trial date.

We have conferred with counsel for Eastman Kodak Company (“Kodak”) regarding this development. Kodak has agreed to continue the trial until the week of December 16 on the condition that Ricoh stipulates to extend the stay of Ricoh’s pending patent infringement claims against Kodak by the same number of days the trial of this case is continued. Ricoh has agreed to enter into such a stipulation. As such, Kodak has no objection to the requested continuance of the trial date.

Nonetheless, Kodak has stated that it is unwilling to agree to extend the deadline for filing the Joint Pretrial Order or to reschedule the final pretrial conference. In order to accommodate the timing of Mr. Quinn's surgery and his anticipated recovery period, however, Ricoh respectfully requests that the pretrial deadlines be continued to the November/December time frame and that the final pretrial conference be rescheduled during the week of either December 2 or December 9.

Respectfully submitted,

A handwritten signature in blue ink that reads "David Eiseman".

David Eiseman

cc: Robert Gunther, Jr. (via electronic mail)
Michael Summersgill (via electronic mail)